



REFLECTIONS ON EXCLUSION: WE PUNISH BOAT PEOPLE

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1924, 1934. When Asian immigrants were denied the right to naturalize. When the Page Law was enacted to exclude Chinese prostitutes but was enforced in a manner to exclude most Chinese women. When Chinese laborers were excluded. When Japan agreed to limit the number of Japanese laborers who could emigrate. When the Asiatic Barred Zone was created. When all Japanese were barred. And when Filipinos became excludable aliens.

Exclusion is an ugly thing. It attacks a person's sense of worth, of self, of identity. It deflates. Repeal of these laws started with the Chinese Repeal in 1943, then with changes in 1946 and 1952. But the psychic exclusion of Asians commenced long before and endured long after the life of any federal laws.

Even at the local level the message of exclusion was clear. The Yick Wo ordinance directed at Chinese laundries, laws that prevented Asians from testifying in court, ordinances that required Chinese to live in Chinatowns or out of town, segregation of students, anti-miscegenation laws, the foreign miners tax, and alien land laws stand out.

Even after the repeal of federal national quota laws, the sense of exclusion persisted. Consider the size of the new quotas—105 for

Being a boat person is a crime. The crime begins with the acute desire on the part of the person to enter the United States, under even the most harrowing circumstances, in order to better himself or the lot of his family. We punish people for this crime. We capture them, imprison them, hold them without bail in many cases, relocate them to places inaccessible to volunteer attorneys, exclude and deport them.

The justification for criminalizing this behavior is based on a notion of preserving our borders. Of sovereignty. Of fear of being overrun. Of scarce resources. Of job loss. Of wage depression. Of unassimilability.

This is not a new crime. Nor are its justifications. Asians have heard these explanations in the past. In 1870, 1875, 1882, 1907, 1917,



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Chinese, 50 Filipinos, 2,000 quota for the entire Asia Pacific triangle—not exactly a message of inclusion! Legislative history reveals that even the 1965 amendments, which are often celebrated as eliminating the last vestiges of the quota laws were not actually intended to benefit Asian immigrants.

Exclusionary sentiment has heightened today because restrictionists have been allowed to define the issues, largely in terms of economic and fiscal impact. They've done a good job. They've killed the pro-immigrant groups in the media. They've been effective even though the truth is that even in economic terms, the pro-immigrant position is fairly strong. Empirical evidence demonstrates that a lot of this depends on the type of work and the part of the country you are looking at. The evidence reveals that no job displacement occurs, and what little wage depression takes place is visited on Latino immigrant groups. Moreover, immigrants (undocumented as well as documented) do put into the tax coffers more than they take out. A maldistribution of these contributions between local, state, and federal governments is evident. But if you add it all up the society comes out ahead financially. And empirically, the increased presence of undocumented actually stirs the economy and creates new jobs for native workers. Yet these nuanced findings are not what reaches the headlines.

As the level of anti-immigrant rhetoric has reached new heights, politicians-Democrats and Republicans alike-and others chime in. Many of these neo-nativists claim that things are different, that things have changed from even just a few years ago in terms of economic impact. Of course Asians have heard that

in the past as well. But “playing the immigration card” has become the fashion; it's in vogue to further subordinate the subordinated. To scapegoat. To exclude.

So we decided long ago, philosophically, that we punish those who attempt to cross our borders without proper documents even those whose travels across the southern border have been cultural rituals for generations largely because the territory was once theirs, as well as those who suffer great hardship and endure horrible conditions to make it to the Golden Mountain.

We punish them. Those folks, those relatives, who are aggressive, adventuresome, persecuted, industrious. We punish them for being boat people. For seeking freedom. For seeking political freedom. For seeking economic freedom. For seeking political options. For seeking economic options. For wanting a better life for themselves and their children. We punish them.

Why? Why do we punish them? Why do we exclude? In the words of Governor Wilson: “We can no longer allow compassion to overrule reason.” So we exclude. We have the power to exclude. We must have the power. We are a sovereign nation. The Court has said we have that power. So we feel we must exercise that power. We must protect our borders. We must protect our people. We must protect our economy.

Exclusion is part of the American psyche. We exclude others based on race, culture, ethnicity; based on class; based on gender; based on sexual preference; based on physical ability; based on age. We have another name for this:



it is discrimination. So it should come as no surprise that we come to accept the exclusion of people from other lands, even at a time when the concept of other countries, and other economies, is beginning to break down.

It's a crime to be a boat person. After all, we can't take everyone in, can we?

The fiftieth anniversary of the repeal of the Chinese Exclusion laws summons up several images—some of mythological proportions—that leave me wondering about the age of exclusion then, as well as the age of exclusion now. Those images—influenced by my experience as a son of immigrants, immigration lawyer, community volunteer, and Asian American—relate to gender, war, cheap labor, backlogs, boats, paper sons and the confession program, Angel Island, and exclusion clubs. The images contain not only what I have learned through reading and study, but also through conversations with relatives, clients, and other people from the community.

PAPER SONS AND THE CONFESSION PROGRAM

Because of their relatively larger numbers, longer stays in the United States, and the hardship of family separation and anti-miscegenation laws, Chinese were given to undocumented migration more than any other Asian group historically. Their gambits were many. A legion entered under false citizenship claims after the enactment of the exclusion laws. A Chinese laborer might assert, for example, that he had been born in San Francisco and that his birth certificate had been destroyed in the 1906 earthquake. Then he would claim, after various trips to China,

that his wife there had given birth to children (usually sons) who automatically derived citizenship. In fact, the children were often fictitious, and the few immigration slots were given or sold to others in China. They came to be known as “paper sons.” Some who had valid claims of entry would simply sell their identity to another. Since merchants, students, and teachers were exempted from the first exclusion laws, laborers entered with falsified evidence of membership in one of those classes. Thousands of others, including wives, sneaked across the Canadian or Mexican border. In fact, the Border Patrol that today conjures up images of deportation of Mexicans was established in response to illegal entries of Chinese.

Immigration inspectors grew to distrust Chinese Americans. Consequently, besides the Border Patrol, the government used other enforcement tools against alleged offenders, such as the notorious holding camp on Angel Island in San Francisco Bay. Across the country, raids on private homes, restaurants, and other businesses were also favored by the authorities. Initiated at the turn of the century, raids were resurrected in the 1950s to capture and deport supporters of the new Communist regime in mainland China.

Because many Chinese did have something to hide and, because of the intense level of deportation enforcement directed at them, many Chinese Americans lived in constant fear of immigration authorities. Even those with nothing to hide were forced to constantly look over their shoulder. A “confession program” offered by immigration authorities in the late 1950s for those Chinese desirous of clearing up their immigration histories (since



names and family trees had been confused by earlier false claims) made matters worse. The program was purportedly a trade-off for the raids during the Red Scare and was promoted in some quarters as an amnesty program. In fact, it offered only a weak assurance that if a confessed Chinese was eligible for an existing statutory remedy, the paperwork would be processed. Some might now be married to a citizen through whom immigration was possible, others who had entered illegally prior to June 28, 1940, could be eligible for a relief termed registry, and still others could apply for suspension of deportation if extreme hardship and good moral character could be demonstrated. But many who admitted past fraud were not eligible and were deported. Because they feared immigration authorities, relatively few Chinese went through the confession program. In San Francisco, only about ten thousand Chinese came forward.

My father was a paper son. My mother was born in Scranton, Pennsylvania, in 1901, my father in Oong On Lei Village in Canton Province, China, in 1893. At the age of three, my mother accompanied her mother, a native of China, to China in order to care for her ailing mother. My parents met in 1920 through a marriage broker who escorted my father to my mother's village, Ngan Voo. My mother was not actually one of the women in the village looking for a husband, because marriage was not on her mind at the time. But my father spotted her at a distance and insisted on meeting her.

My father actually first entered the United States on a false claim to U.S. citizenship. He admitted that he was born in China in 1893. But his father, who had been a cook during

the construction of the Southern Pacific Railroad, claimed that his birth certificate was destroyed in the 1906 San Francisco earthquake and that he had traveled to China around the time that my father was conceived. Therefore, my father entered as the son of a United States citizen.

When I was an attorney at the Chinatown office of San Francisco Neighborhood Legal Assistance Foundation in the 1970s, many of my clients were papers sons. I recall Mr. Wong (who was actually Mr. Lee)—a typical case—coming into my office one day to explain his situation. He was getting along in age and he wanted to make one trip to Asia before he died, and to visit a last remaining sibling in Hong Kong. He had entered with false papers in the 1920s. He was afraid of leaving because of his false identity, and he also could not file a possible immigrant visa petition for his sister because of his false immigration history. Although he was married, Mr. Wong could not straighten out his status through his wife because she had obtained her immigrant status through him. But they did have adult children who had been born in the United States and who were therefore U.S. citizens. I prepared the immigrant visa petition on behalf of one of the daughters. But because Mr. Wong had entered on a false citizenship claim, under the law he had not entered “with inspection” and could not complete the paperwork (adjustment of status) in the United States. He would have to complete the immigration process by exiting the country—at least for a day—and apply for an immigrant visa from abroad. He chose Vancouver.



Although there were some tense moments and doubts on his part, everything worked out all right. Eventually, over the next several years, Mr. Wong was able to visit Hong Kong, get naturalized, and petition for his sister.

ON GENDER IMBALANCE

My father was actually fortunate to be able to bring a spouse into the United States. My mother (recall that she was born in Scranton) actually entered as the spouse of a U.S. citizen. Although she was a citizen at birth, she could not reenter as a citizen for two reasons. First, she did not have her birth records to prove her place of birth. And secondly, technically she had lost her citizenship by marrying a foreign national at a time when the law stripped women of U.S. citizenship for marrying foreign men. Of course my father was making a false claim to citizenship, so their situation presented a messy picture to say the least. Most other Chinese men in the United States between 1882 and 1943 were not able to bring in spouses from China.

The situation began in 1875 when Congress, responding to law-enforcement claims that Chinese women were being imported for prostitution, passed legislation prohibiting their importation for immoral purposes. In one case twenty-one Chinese women were disallowed entry on the grounds that they were “lewd,” though this action was overturned by the Supreme Court. But the overzealous enforcement of the statute, commonly referred to as the Page Law; effectively barred Chinese women and further worsened an already imbalanced sex ratio among Chinese. Under the Chinese Exclusion Act of 1882, Chinese women were defined as labor-

ers. Even those laborers already in the United States were denied the right to have any spouse join them. The ban on laborers’ spouses effectively halted the immigration of Chinese women, thereby exacerbating the restraints imposed by the exclusion of women through expanded enforcement of the Page Law and preventing family formation for Chinese immigrants. Add to this the anti-miscegenation laws, and the scenario smacks of well-planned genocide.

These gender ratios bring to mind the rooms above the back of my family’s old store. I grew up in a small house attached to my mother’s small grocery store. The store and house were the poorest street in Pinal County, a very, rural part of south central Arizona. The main part of the store had only three aisles of foods, a small butcher area, and an area with dry goods—shoes, fabric, hurricane (oil-burning, kerosene) lamps, and the like. There was also a back storeroom, with a small second Boor that contained about six narrow rooms with little headroom which we used for storage. When I was about ten or eleven years old, I learned that during the 1920s and 1930s these rooms were actually used as sleeping quarters for men who came from China without their wives to work for my father. I think they cooked and ate in one of the slightly larger rooms of this rather musty, dingy second Boor above the storeroom.

It turns out that two of the men who worked for my father were an uncle and a cousin whom I grew up knowing. One was Geen Hong Go (Uncle Art), the other Cherng Goo Cherng (Uncle Charlie). As far as I could tell they both entered the United States with false



papers because they were always introduced as my father's brothers to the townspeople when in fact they were not. And although both had lived in the United States since the 1920s or 1930s, their wives and children did not join them in the United States until the early 1960s. My Uncle Charlie's wife (Cherng Goo) was actually my father's sister. But because of my family's disordered family history, she came in as my father's sister-in-law.

ON WAR

War has had an impact on immigration policy. Much of the effect has worked against exclusionist sentiment. For example, Japan's success at war against China and then Russia at around the turn of the century placed Japan in a strong bargaining position over things such as the segregation of Japanese students in San Francisco and then the Gentlemen's Agreement of 1906-07. The common cause of the Civil War, in which many European immigrants—most notably the Irish—took up arms for the North, brought down the Know-Nothing Party which had lobbied against Irish in the East Coast and Chinese on the West Coast. The voluntary enlistment of hundreds of thousands of immigrants (principally on the East Coast) into the Union armies led to the demise of the Know-Nothing Party by 1870; the Civil War “completed the ruin of organized nativism by absorbing xenophobes and immigrants in a common cause.”[1] The Burlingame Treaty was readily approved by Congress in part because it represented international prestige and the United States was eager for trade after the Civil War. During World War II China was an important ally to the United States and the Chinese Repeal

was necessary in light of Japan's successful exploitation of Asian exclusion in its wartime propaganda. World War II also opened up employment opportunities for Chinese Americans.

But war has worked against immigrants as well. The reactionary, isolationist political climate that followed World War I, manifested in the Red Scare of 1919-20, led to even greater exclusionist demands—resulting in the Immigration Act of 1924. The end of the Vietnam War and the ensuing admission of hundreds of thousands of Southeast Asian refugees led to the Refugee Act of 1980, which provided a framework for cutting back on the numbers of Southeast Asian refugees.

War has also resulted in hate violence. For example, the annual commemoration of Pearl Harbor Day on December 7 always stirs up animosity towards Japan and also for Japanese Americans (although the whole economic trade war with Japan is intermingled as well). The Persian Gulf War has also resulted in violence towards Arab Americans, many of whom are immigrants.

Of course Asian Americans have taken active part in United States wars. I remember pictures of cousins and uncles in our family albums dressed up in military garb. I know that my father, because of his false citizenship claim, was actually drafted during World War II! Fortunately, the war ended while he was en route to Europe on a troop ship. My brother, who is just three years older than me, joined the ROTC in college and ended up doing two tours of duty in Vietnam. Of course not only did Chinese Americans fight in the World War II, but ironically so did Japanese



Americans—one of the most highly decorated groups in the war. Many Filipinos fought for the United States during World War II, and it has not been until recently that they have been extended full opportunity to apply for United States citizenship, although many who would have benefited have since died.

ON CHEAP LABOR

Many of the images of the recent boat people from China relate to their exploitation as cheap laborers or workers in bondage, in part to allegedly payoff \$30,000 in fees for the voyage to America.

This conjures up the past. “Early on, the Chinese were officially welcomed. The simultaneous opening of both China and the American West, along with the discovery of gold in the late 1840s, led to a growing demand for and a ready supply of Chinese labor. Chinese were actively recruited to fill needs in railroad construction, laundries, and domestic service. In 1852 the governor of California recommended a system of land grants to induce the immigration and settlement of Chinese. A decade later a select committee of the California legislature advocated continued support of Chinese immigration. It reported that the fifty thousand Chinese in the state paid almost \$14 million annually in taxes, licenses, duties, freights, and other charges, that their cheap labor would be of great value in developing the new industries of the state, and that trade with China should be fostered. After the Civil War some Southern plantation owners seriously considered replacing their former slaves with Chinese labor.

Drawing praise for their industry and abilities and for their willingness to accept lower wages, Chinese were considered almost indispensable. In 1857 at the Oregon constitutional convention, a nativist amendment to exclude Chinese failed principally because they made “good washers, good cooks, and good servants.” Chinese immigrants were regarded as less demanding and more dependable than other laborers. After all, they were escaping a rice shortage and the devastation of war, so they desperately needed work. Even the skeptical had their reasons for coming to see the usefulness of the Chinese. The Central Pacific Railroad, doubtful about Chinese ability to handle heavy construction but frustrated over the dependability of the native work force, decided nonetheless to hire them. They were available, placer mining was giving out, and they could be purchased for two-thirds the price of white workers. Eventually it was widely acknowledged that without the Chinese, it would have been impossible to complete the western portion of the transcontinental railroad in the time required by Congress. By 1882 about 300,000 Chinese had entered and worked on the West Coast.

Like the initial wave of Chinese immigrants, Japanese laborers were at first warmly received by employers. These young and healthy men were needed to perform the strenuous work on Hawaiian sugar plantations.

Filipinos became a convenient source of cheap labor after Japanese immigration was restricted in 1908. Just as the Chinese Exclusion law had encouraged employers to look to Japan, so the limitations on Japanese



immigrants led to an intense recruitment, especially by the Hawaiian Sugar Planters' Association, of Filipino laborers because of their open travel status as noncitizen nationals. Growers thought Filipinos (like Mexicans on the mainland) were well-suited to "stoop" labor and were not as aggressive as Japanese or as enterprising as Chinese. They were praised as especially hardworking, submissive, and reliable—praise that ironically rooted itself in well-entrenched racist sentiment. Despite the arduousness of the work in the sugar and pineapple industries, the steady pay lured many Filipino laborers (most of whom came from the Ilocos region and other economically underdeveloped areas of the Philippines populated by poor peasants and farm workers) who could not earn comparable wages in their home country.

This whole thing of cheap labor is a hard issue for me. My paternal grandfather worked on the railroads: My maternal grandfather was a laundryman. My father was a dishwasher, waiter, and then a hospital orderly when he first got to Arizona. Most of my parents' employees in their grocery stores were Mexicans—and my parents did not go out of their way to pay the highest wages. The relatives who worked for us probably were not paid much more.

Growing up, I understood the nature of unions, because the mine-mill union was very active in my home town, which relied on a copper mine. My parents extended credit to miners for groceries even during lengthy strikes and earned their loyalty. But my parents also traded with the mine management families. I helped to gather information and

data to organize the first union at San Francisco Neighborhood Legal Assistance Foundation.

So what do I think about cheap labor? Where does cheap labor become exploitation? At the instance of variances in wages? If not, then where? Do work conditions alone determine exploitation? Are there really such things as jobs that native workers will not take regardless of the wage?

ON BACKLOGS AND QUOTAS

Quotas—or numerical limitations as they are referred to in the law—are modern day versions of exclusion laws. President John F. Kennedy had originally proposed a first-come, first-served system. If implemented, the system would have facilitated even more Asian immigrants than under the actual system enacted. Instead, we have a preference system, with severe backlogs in second and fourth preferences in the family categories.

Remember that even after Exclusion laws were repealed, we were not talking about major league, earth-shattering, door-opening quotas. We were talking about quotas of 100 to 105; and things like the Asia-Pacific Triangle for a total of 2,000. Also, immediately after the Philippine Independence Act in 1934, the Filipino quota was fifty!

As a kid, I wanted to be a basketball star. So when my parents told me that my aunt, whom they had petitioned for, had been a champion basketball player in her youth, I was beside myself. I expected her to teach me how to be a great star after she immigrated. But by the time she arrived, she was an elder-



ly woman whose basketball-playing days had long since passed. We had all been victimized by the backlogs. Similarly, my mother was never able to reunite with her sole surviving sister, who died waiting on the waiting list for siblings.

Over the years I have had many clients whose backlog stories are memorable. I recall two sisters from the Philippines. One sister had immigrated as a nurse and became a U.S. citizen. She became ill, and her other sister from the Philippines came on a tourist visa to care for her. While here, the alien sister decided that she wanted to stay and be with her sister. They had heard from friends that the waiting period for siblings from the Philippines was several years, but they decided to apply on their own anyway, at least to get on the waiting list. A few months later, the INS sent them a notice with an immigrant visa application saying that the alien sister could apply for permanent residence. They thought, “How wonderful,” God had answered their prayers. They submitted the permanent resident application and about a year later were called in for an interview. At the interview, the examiner discovered that a mistake had been made and that the alien sister should not have been sent a permanent resident application. She was asked to depart from the United States. They came to me at the Chinatown legal services office, where after years of legal maneuvering, I was finally able to help the sister obtain permanent residence status.

ON EXCLUSION CLUBS AND POLLS

Today’s FAIRs and Stop-It restrictionist immigration groups remind me of the nativist groups of the past.

With the expulsion of many Latinos through the foreign miners’ tax of 1850, the Chinese stood out as the largest body of foreigners in California, and in the West the full weight of prejudice fell upon them. A new foreign miners’ tax, this time directed at the Chinese, was enacted in 1852. “Anti-coolie” clubs surfaced in the early 1850s, and sporadic boycotts of Chinese-made goods soon followed. By 1853 anti-Chinese editorials were common in San Francisco newspapers. Statutes and ordinances like the 1858 Oregon law that required Chinese miners and merchants to obtain monthly, four-dollar licenses were not unusual.

For a time this sentiment gained powerful political backing from the newly formed Know-Nothing Party. Organized in the 1850s to exclude all foreign-born citizens from office, to discourage immigration, and to “keep America pure,” the Know-Nothing Party demanded a twenty-one-year naturalization period. On the East Coast it fought against Irish Catholic immigration, while on the West Coast the target was usually the Chinese.

The determination of the Japanese to secure their place in American society was greatly resented by a rising chorus of white workers. By the 1890s, when economic xenophobia was gaining greater acceptance on the East Coast, nativists with the backing of organized labor in California formed the Japanese and Korean Exclusion League (later renamed the Asiatic Exclusion League). The league joined forces and membership often overlapped (as the overlap in FAIR and English Only organizers) with smaller organizations such as the Anti-Jap Laundry League and the Anti-Japanese League of Alameda County.



Even small numbers of Asian Indians managed to agitate the Asiatic Exclusion League, which had sprung up in response to Japanese and Korean immigration.

Just as in the past when the activities of exclusionist organizations seem to go hand in hand with racial violence and hate groups, the same seems to be happening today. Take Irma Munoz, a U.C. Davis student physically attacked by other students for her pro-immigrant positions, and what was said to her and written on her (“go back you wetback”). I believe that the FAIRs and the Governor Wilsons have contributed to this environment of anti-immigrant hatred that leads to violence directed against Asians and Latinos as well as legislative proposals which affect basic rights.

Recent polls such as the one featured on the front cover of *Newsweek* (August 9) stating that 60 percent of Americans think that immigration is bad for the country remind me of what happened in 1879 in California. A measure was placed on the ballot to determine public sentiment: 900 favored the Chinese, while 150,000 were opposed. During the 1881 session of Congress, twenty-five anti-Chinese petitions were presented by a number of civic groups, like the Methodist Church and the New York Union League Corps, and from many states, including Alabama, Ohio, West Virginia, and Wisconsin. The California legislature declared a legal holiday to facilitate anti-Chinese public rallies that attracted thousands of demonstrators.

ON BOATS AND ANGEL ISLAND

When I was a young kid growing up, I remember a couple of my older sisters coming home from college occasionally on weekends and holidays. It was on one of these occasions that I first heard the expression “F-O-B,” which was essentially an expression to describe a Chinese immigrant as “fresh off the boat.” It was a derisive term. Of course they called us ABCs—American-born Chinese.

Boats have played (and continue to play) a fascinating role in the Asian immigration experience.

Evidence exists that centuries ago early Chinese explorers reached the shores of America. Filipinos arrived early as well. Small groups of sailors aboard Spanish galleons as early as 1565 jumped ship in Mexico and made their way to Louisiana to establish the first Filipino American community.

Many Chinese aboard ships in the late 1800s resisted exclusion efforts. In the Chew Heong case, the returning Chinese laborer successfully challenged a law that attempted to revoke a valid reentry document. But overturning the Supreme Court’s decision in Chew Heong, the Scott Act prohibited the entry of all Chinese laborers, including those who had left the United States temporarily with valid Section Six return certificates. The constitutionality of the Scott Act was upheld in the Chinese Exclusion case of 1889. A Chinese lawful resident laborer had left the United States in 1887 to visit China, holding a valid Section Six reentry certificate. While he was at sea, the Scott Act was passed; when his



boat docked in the United States, the laborer was not permitted to reenter. The Supreme Court upheld his exclusion, ruling that Congress' power to regulate immigration was a matter of sovereignty. The Scott Act was held to be a constitutionally permissible protection against aggression by a foreign national. A law was upheld; more boat people were excluded.

Since the fall of Saigon (Ho Chi Minh City) in 1975, thousands and thousands of Vietnamese refugees have attempted to flee by boat to places such as Hong Kong. Originally, many of them were processed and allowed to enter places such as the United States. But eventually they became less welcomed and fewer were allowed in. In fact, after awhile as more and more were being kept at holding facilities, it was decided to send most back to Vietnam. Who can forget the pictures of those who were dragged to the airplanes for deportation by Hong Kong/British authorities? Another case of boat people as criminals.

Between 1910 and 1940, about fifty thousand Chinese were confined—often for months and years at a time—in Angel Island's bleak wooden barracks, where inspectors would conduct grueling interrogations. The extensive carvings on the barrack walls bear eloquent testimony both to the immigrants' determination and to the pain they endured.

My mother was a boat person who arrived at Angel Island. Over the years, I discussed my mother's experience on Angel Island with her many times. The phrases she used to describe her experience were words such as "being held," "confined," "interrogated," and

"stripped of personal privileges." Her words relate to criminal-like treatment. After all, she was a boat person.

As she recounted the story to me over the years, it went something like this:

As she peered across the water from along the ship's railings, Annie could make out rolling hills sprinkled with houses on the land in the distance ahead. "That's the Big City—San Francisco," explained a fellow passenger standing next to her. "It's too bad," he continued, "that none of us will be able to go into the City right away. All of us must be quarantined and also satisfy the immigration interrogation of the *white ghosts*. We'll be detained on the Island first, you know."

Annie knew. Back in Oong On Lei Village where she had lived since her marriage to Chun Hing three years earlier in 1921, people spoke often of the infamous immigration station in the middle of San Francisco Bay named Angel Island. Annie did not look forward to the deplorable living conditions that had been attributed to the notorious center. How ludicrous it was, Annie thought, to call such a place "Angel" Island. From what she had heard, it was no place for angels.

Most of the over one thousand passengers on the ship were busy with last-minute packing as it became clear that the Japanese ship *Tenyo Maru* would be coming into port within an hour. Others were engaged in a quick review of family histories and backgrounds in further preparation for the immigration questioning that would take place sometime; no one knew precisely when. Of course Annie had completed her packing in the early morning hours



long before most passengers had even awakened. Her night had been a restless one in anticipation of the ship's landing. Besides, she had always been an early riser all of her twenty-three years. As for the upcoming immigration interrogation, she felt confident in spite of not knowing exactly what procedures would be followed by the immigration authorities.

The ship soon filled with excitement. Most of the passengers moved noisily about and spoke loudly as their emotions ran lighter and higher. But Annie seized these final minutes on board to reflect in mental solitude upon the events of her life leading up to this moment.

Hers was a story typical in many ways but unique in others. Her husband, Chun Hing, had "found" her when he came to her village of Ngan Voo for the specific purpose of looking for a bride. After meeting and having tea with several of the available young women, he had almost decided to ask for the hand of one particular young woman when he spotted Annie at a distance ascending a set of stairs.

"Who is she?" Chun Bing asked the matchmaker with great interest. "That's Annie Soo Hoo; responded the matron, "but I'm not sure if she's available. It's late, but for an additional \$6 fee, I'll arrange tea with her for you tomorrow."

It was not long thereafter that a \$100 dowry from Chun Hing plus family gifts consisting of one thousand moon cakes, two geese, two chickens, a pig, and a lamb followed.

On March 21, 1921, Annie and Chun Hing were married. As was customary, twenty-year-

old Annie of the Soo Hoo family moved to Chun Hing's Ong family village of Oong On Lei.

Chun Hing, who was twenty-eight at the time, was from a family of grocery merchants. As with the multitude of immigrants who preceded and followed him, he had journeyed to the United States, at the age of seventeen, to seek his fortune. His adventurous nature sparked his departure from San Francisco's Chinatown where the mass of Chinese were most comfortable and the "safety in numbers" philosophy was epitomized. Chun Hing did not criticize those who were less bold, for those were times when the white ghosts, immigrants themselves, were not particularly receptive to Chinese who looked, spoke, and acted in a manner unfamiliar to the European Americans. After ten years of odd jobs and English lessons, Chun Hing settled in the copper mining hills of Arizona. With a loan and a pioneering spirit, he opened an all purpose supply and grocery store and earned enough to return to China to find a bride with whom he could share the new world.

Soon after the marriage, Chun Hing returned to Arizona to build a new home for Annie and to earn enough money to send for her. As was customary, Annie remained in Oong On Lei Village awaiting the day when Chun Hing would send for her. She had learned soon after meeting Chun Hing that he was a romantic. This was a novel trait for a man in these trying times when practicality and the work ethic pervaded most people's lives. But Chun Hing was able to maintain a love for life while pursuing a livelihood. In his inimitable manner, he had charmed Annie's



mother with an extraordinarily eloquent request for her daughter's hand in marriage. His words always flowed naturally and with poetic ease.

While Annie waited in China, Chun Hing wrote to her:

Each moment with you is like the
first day of Spring,
Each moment without you evokes
the agony of the coldest Winter.
So I am diligent in my work,
Inspired by visions of an eternal
Springtime with you.

Three years later, Chun Hing sent for Annie. This was a short period compared to the generations that most Chinese wives were forced to remain separated from their husbands who labored in America. The anti-Chinese immigration laws visited a great adverse impact on the structure and emotions of those families and even on Annie; she left China without knowing whether she would ever see her mother or sisters again.

Annie's trip to the United States began with a small boat ride from Hoiping District to Hong Kong. After spending the night in a hotel, Annie boarded the *Tenyo Maru* in Kowloon for the \$80, twenty-one day trip to the United States via Singapore, Hong Kong, and other ports. The ship entered San Francisco Bay on July 1, 1924. As the ship eased around the final bend of the Island into the cove of the immigration inspection harbor, Annie could see the barracks nestled among the trees. Questions ran through her mind. How long would she be held here? When would the interrogation take place?

How many times would she be interviewed? Would she know anyone else here? When would she see Chun Hing? She was being victimized by the possibility of exclusion.

Annie had mixed emotions upon arrival, as did the other fifty thousand Chinese who arrived at Angel Island between 1910 and 1941. They arrived with high hopes and expectations, happy and relieved at the completion of the arduous voyage. But they knew that although they were physically in the United States, they were not yet here legally; the grueling immigration interrogation had to first be satisfied. Everything that each had survived to reach this point would be wasted if an inconsistency or discrepancy surfaced in immigration records and the answers to every question. Ships traveled both ways, and horror stories proliferated about those who had been sent back, never setting foot on any part of America other than on the Island. Many who were forced to return committed suicide by jumping overboard rather than live in faceless disgrace back in China.

Annie struggled off the ship with her large, black footlocker filled with the smells of China. Ahead she could see and hear a Chinese man directing descending passengers to their quarters. The man was an immigration interpreter; an influential person who could make the difference between admission into the United States and a trip back to China. Many Chinese whose grounds to immigrate were shaky were able to purchase favorable interpretations from these individuals. Because of their experience and access to immigration records, interpreters could make the road smoother in the interview.



Men and women were housed in separate barracks at Angel Island. Small children stayed with the women. As Annie walked into her assigned quarters, she was greeted by the other women. In each room there were five or six bunkbeds tiered three or four levels high. Annie had little choice. Three second-level beds were the only beds available in her room. As she began to unpack, she gazed around the room; its walls were pale gray. “How barren the room would be,” she thought to herself, “if it wasn’t for these chattering women and their scattered belongings.”

After only a few hours of conversation with these women, Annie learned more about what to expect. She would be medically examined in a day or so, then her papers would be preliminarily reviewed. Only a few interrogations took place daily, but it was likely that she would be questioned within a week or so. Interviews were fifteen to thirty minutes in length on the average, although some had been known to last up to two hours. The longer the interview, the more likely it was that the authorities suspected something. If discrepancies were found or details were forgotten, relatives waiting in San Francisco were often called to the Island in order to be interviewed separately. Additional records might also be requested. This process could go on indefinitely, and Annie met several women who had been held on the Island for as long as two years. She was amazed at the high spirits that even the longtime resident boat people of the Island exhibited.

That evening, Annie joined the other women for her first meal on Angel Island. The food hall was an enormous room with long wooden tables and benches. The meal consisted of

steamed rice and boiled mustard greens. It was a typical one, according to the other women at Annie’s table. Annie noticed that the Japanese and Koreans, who were housed in separate rooms, were served pickled cucumbers.

Except for the few Japanese and Koreans that Annie could spot, everyone else was Chinese as far as she could determine. In fact, she later learned that just about all the Chinese who immigrated at that time were from southern China, as was she, and particularly from Canton Province. Decades earlier the Chinese had emigrated because of famine and hard economic times. It was ironic to Annie, however, that she and these other Chinese had left China at a time when food was plentiful, yet the first meal to greet them was terribly plain and bland.

The next day, as was customary, Annie and the women were allowed outside for fresh air and exercise. The flowers and trees, although of different species, were as beautiful as those in China. The air was vibrant and it revitalized the strength in Annie’s mind and body. As she gazed through the fence down to the harbor, she became excited when several Chinese men alighted from the San Francisco ferry boat. Could Chun Hing be among them? He was, but she waved and yelled to no avail because he was several hundred feet away and beyond hearing distance.

Chun Hing had received a cable from Annie notifying him of her estimated arrival date. He traveled one thousand miles from southeastern Arizona to San Francisco by train over rail that his father had helped to lay. After ferrying to the Island from San



Francisco, he walked up to the immigration office, entered, and spoke with the authorities in English. His words in English were not as eloquent as his Chinese would have been, but they were well chosen and generally as effective. “No,” he was told, “you cannot see your wife—if she is your wife—before her interview. It doesn’t matter how far you’ve traveled to see her.”

Unfazed, Chun Hing walked out of the office calmly. Although he knew exactly where he was, he walked as though disoriented and walked directly into the restricted zone. He did not see Annie but he encountered a woman whom he recognized to be a distant cousin. “Tell her I came to see her, and to be sure to say that both my parents have died in China,” he instructed. Shortly thereafter, Chun Hing was escorted back to the ferry landing. The message was relayed to Annie later that day.

Months earlier Annie had received from Chun Hing explicit instructions on how to answer certain questions. This was typical of the Chinese immigrants of the time. The immigration laws were harsh on them and forced a distortion of true family histories and trees if immigration was to be accomplished. The schemes devised to thwart the racist immigration laws were ingenious, however for both the successful and unsuccessful it was agonizing to be compelled to lie and cheat in order to reunite with family members.

Annie’s instructions were more unusual than most because she was to, in a real sense, give up a right to be here in order to be admitted more quickly. Annie was a United States citizen—not by derivation or acquisition through

her parents, but by actual birth in the United States. She was born in Scranton, Pennsylvania, on March 18, 1901, but at the age of three, she traveled to China with her mother who had to return to care for her own ailing mother. Under the circumstances, there was no time to think of things such as birth certificates. Besides, Annie’s mother knew of Chinese ways only-ways that did not include record keeping in the American sense. So Annie never had proof of U.S. citizenship; in China there was no need for it. In fact until Annie met Chun Hing, she doubted that she would ever return to the United States because only a few years after arriving in China, she and her mother received word that Annie’s father, a laundryman, had been mysteriously killed.

Thus, it was decided that upon Annie’s return to the United States, it would be wiser, in terms of processing time on Angel Island, for Annie to assert birth in China and marriage to Chun Hing, the son of a United States native. A claim to U.S citizenship by Annie at Angel Island would likely have resulted in serious delay. Records in Scranton would have to be obtained and a call for Annie’s alienated brothers on the eastern seaboard to come testify would have been a likely result.

Annie waited anxiously the first two days, without being called. On the third day, she was called in for her medical examination. The tests were routine although to Annie the instruments used by the American doctor were curious. She had to strain to understand what he wanted her to do, as he tried in rather broken and off-toned Cantonese to give instructions. When two containers were



handed to her, and a finger was pointed at a door, Annie realized that urine and stool specimens were desired.

Inside the smelly room she had no difficulty with producing the urine sample, however, although her bladder was cooperative, her bowels were not. Impatiently, she looked around the room and eyed a small piece of solid excrement on the floor. Recalling that the patient immediately prior to herself was a healthy looking boy, she concluded that the specimen was his, picked up the sample with a piece of paper, and dropped it into her second container. Fortunately for Annie, her evaluation of the child's physical condition was correct.

The morning of the seventh day Annie peered across the bay to San Francisco. The fog was retreating earlier than usual and its last traces were like fingers gradually receding between the city's peaks and hills. From the yard, she could smell the sweet fragrance of the trees and wild flowers that surrounded the immigration compound. But no matter how magnificent the setting was, nothing could obliterate the fact that this was a prison to Annie.

Annie's meditation was interrupted by a scream. "Annie, your turn has come," exclaimed one of her bunkmates running towards her. An immigration interpreter was behind her, and he requested that Annie gather her documents and follow him. "How could this happen so quickly?" Annie happily wondered to herself as she hurried to follow his orders.

The interviewing room was large, cold, and dimly lit. As Annie walked in, the immigration examiner behind the desk said to the interpreter, "have her sit down." The interrogation began.

The questioning technique of the examiner was rote and mechanical, as he elicited biographical information with hardly a glance towards Annie. She in turn did not look at the examiner but rather directed her responses to the interpreter who was asking the questions. Annie was much more comfortable speaking to another Chinese person anyway.

The inquiry began with basic but tedious questions. Family surnames, family members, present residences, birth dates, wedding dates, village names, and employment information were sought. Annie managed to discuss her birth place without calling attention to the misrepresentation. As she spoke, a third man in the room busily recorded the information on paper. The questioning focused heavily on the validity of Annie's marriage to Chun Hing, perhaps due to the fact that they had no children after three years of marriage. Close attention was paid to Annie's description of the events and the exchange of family gifts leading up to the marriage, as well as to the ceremony itself. This was done in order to assess whether or not traditional Chinese custom had been conformed to. Only then would the marriage be considered valid under Chinese law and thereby recognized by U.S. authorities. Finally, the examination turned to more specific questions about Annie's family village of Ngan Voo, and Chun Hing's village of Oong On Lei. A geographic description of both villages including the physical features of the area, such as mountains and rivers was



requested. She was asked how many houses were in these villages and was instructed to draw a diagram of the layout of the villages. Then the examiner sought biographical information on as many other residents of the villages that Annie could recall. This was all very puzzling to Annie, but she cooperated because she did not want to risk falling into disfavor with the examiner.

Interspersed during much of the latter portion of the interview were several long conversations in English among the three men in the room. Annie strained helplessly to understand by carefully following the facial expressions and physical gestures of the three. After each of these long exchanges, the interpreter would turn to Annie and ask a short question. The process made Annie very uneasy because she could not determine what was behind each of these questions. She felt that something was going wrong.

Finally, after about thirty minutes and following the final unexplained lengthy conversation held by the men, the interpreter faced Annie, smiled and said, "Everything is fine. Your papers have been approved."

Annie excitedly thanked the three men in Chinese, then turned and walked quickly out the door. She did not look back, fearing that if she did, the examiner would somehow change his mind. As she strode briskly to her quarters, Annie could hardly believe that her stay on the Island would only be a week. Despite her personal happiness at the moment, she felt badly for the others who would not yet be leaving.

The women in the barracks were delighted for Annie, and she continued to find that their spirits remained remarkably high. They all seemed to be able to share in each one's personal happiness and Annie was extremely touched. She knew that for some their time on the Island would amount to months, while others were destined to be turned back to China. What was this country that she was about to reenter all about? Why were the others, as she had been, willing to risk and to suffer prolonged confinement? Would this country be worth it all? And in what terms would or should that worth be measured given the torment that so many were subjected to? Annie did not have answers to these matters but realized that her experience had left her with even more questions.

When she met Chun Hing, they smiled and their eyes embraced. He spoke in kind words to her, "Come. Let us be off on our life of springtimes together."

CLOSING

And so we continue to exclude. We punish boat people. We punish those who are merely seeking a better life. We do this because we believe we cannot let them all in. We do this because we believe that they are hurting us fiscally and economically. We do this because we think they are hurting us socially. But we do this without solid empirical support on the economics; and we do this knowing that the people behind much of the rhetoric are racists. Yes, we even hear other Asian Americans chiming in for those reasons and also because these boat people make the rest of us "look bad." This is in spite of the fact



that except for those Native Americans among us, we can all trace our roots to boat people (for some maybe jet people).

We essentially treat these folks as criminals. Throw them into jails (we call them holding facilities), deprive them of right to counsel and exercise; most convicted felons have more rights. Okay, sure, a law has technically been broken. And I'm talking about a different definition of criminal, one where not only is there no victim at the hands of the person, but the person herself might be a victim. The crime is one of movement, not a crime of harm to others (although some would claim economic and social harm without much proof) or thievery. This is more a condition that is being punished. This reminds me of what Carlos Bulosan felt: His crime was being a Filipino in America.

As the move to summarily exclude the recent influx of Chinese seeking refuge heightens, we would be well served to remember the nation's past experience with Haitians, Guatemalans, Salvadorans, as well as with Jews in the 1930s. We have learned that the mistake of turning Jews away at the time of Nazi persecution was repeated again with Haitians, Guatemalans, and Salvadorans as the extent of political repression in those countries has only recently been discovered. Do we really know enough about the situation in China to confidently turn away Chinese fleeing from Fujian Province as obvious economic migrants? Why are they so willing to endure hazardous and unsafe journeys? And is arresting and deporting those seeking freedom who have been subjected to reprehensible work environments in this country a response we will look back on with pride?

As Congress reacts to the waves of refugees reaching our shores and considers reform, let's hope that its members do not act in a way that betrays our longstanding humanitarian ideals. Those ideals remind us that we are a nation that understands that when we make decisions related to refugees, special values are at play because life itself may be at risk.

Yes, we have the power to exclude, or so the Constitution, the Court, and I suppose even customary international law and international agreements tell us. The consciences of our leaders also tell them that they have the moral and ethical right to exclude. But even though we have this power, how, when, and on what basis should we exercise it? I say not without better empirical basis. I say not without knowing the full story of those we exclude. I say not until we have removed the input of those who act blatantly and subtly with racist motives.

NOTES

¹ John Higham, *Strangers in the Land*, New Brunswick, NJ: Rutgers University Press, 1963, 12-13.

Bill Ong Hing's "Reflections on Exclusion: We Punish Boat People" originally appeared as the keynote address in *The Repeal and Its Legacy*, Proceedings of the Conference on the 50th Anniversary of the 1943 repeal of the Chinese Exclusion Acts, hosted by CHSA and San Francisco State University's Asian American Studies Department, edited by Robert Fung, San Francisco: Chinese Historical Society of America, 1993; reprinted with permission.

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